



Attorney Docket: 11220/146

DECLARATION AND POWER OF ATTORNEY

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **METHOD OF DETERMINING A CHEMOTHERAPEUTIC REGIMEN BY ASSAYING GENE EXPRESSION IN PRIMARY TUMORS** the specification of which (check one):

_____ is attached hereto
or
_____ ☒ was filed on December 3, 2001
as United States Application No. 09/998,333
and
_____ was amended on _____

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application, as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under Title 35 United States Code §119(a)-(d) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below. I have also identified below any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed.

<u>Appl. Serial No./ Country</u>	<u>Filing Date</u>	<u>Status</u>	<u>Priority Claimed</u>
_____	_____	_____	Yes: _____ No: _____
_____	_____	_____	Yes: _____ No: _____

Additional foreign applications are listed on an attached supplemental priority data sheet.

I hereby claim the benefit under Title 35, United States Code §120, of any United States applications or §365(c) of any PCT international application designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in those prior applications in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>U.S. /PCT Appl.. Serial No.</u>	<u>Filing Date</u>	<u>Status/Patent No.</u>	<u>Priority Claimed</u>
<u>09/877,177</u>	<u>June 11, 2001</u>	<u>Pending</u>	<u>Yes: X No: _____</u>
<u>09/877,178</u>	<u>June 11, 2001</u>	<u>Pending</u>	<u>Yes: X No: _____</u>
<u>09/879,217</u>	<u>June 13, 2001</u>	<u>Pending</u>	<u>Yes: X No: _____</u>
<u>09/988,784</u>	<u>November 20, 2001</u>	<u>Pending</u>	<u>Yes: X No: _____</u>

_____ Additional U.S. / PCT applications are listed on an attached supplemental priority data sheet.

I hereby claim the benefit under Title 35, United States Code §119(e), of any United States provisional applications listed below :

<u>Application Number</u>	<u>Filing Date</u>
<u>60/250,120</u>	<u>December 1, 2000</u>
<u>60/250,472</u>	<u>December 4, 2000</u>

And I hereby appoint the registered practitioners of Kenyon & Kenyon included in the Customer Number provided below to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:



23838

PATENT TRADEMARK OFFICE

Please address all correspondence to the above Customer Number.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

First Inventor : Kathleen D. DANENBERG

Inventor's Signature : *Kathleen D. Danenberg*

Date : 2/26/02

Residence : 3367 Rubio Crest Drive
Altadena, CA 91001

Citizenship : United States of America

Post Office Address : Same as above